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1 **NOTC**
J. BRUCE ALVERSON, ESQ.
2 Nevada Bar No. 1339
KARIE N. WILSON, ESQ.
3 Nevada Bar No. 7957
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5 Las Vegas, NV 89117
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Attorneys for Defendant
7

8 UNITED STATES DISTRICT COURT

9 DISTRICT OF NEVADA

10 In re-estate of EDGAR H. MALLOY,
EDGAR W. MALLOY, as Sole Administrator of
11 EDGAR H. MALLOY Estate;
EDGAR W. MALLOY, as heir to the Estate of
12 EDGAR H. MALLOY

Plaintiff

13 v.

14 SPX COOLING TECHNOLOGIES, INC.,
a business entity, ROE EMPLOYEE,
15 ROE INDIVIDUALS I through X, and
DOE CORPORATIONS and other business
16 entities I through X, inclusive

17 Defendants.
18

CASE NO: 2:10-cv-00908
DEPT NO:

19 **DEFENDANT SPX COOLING TECHNOLOGIES, INC.'S NOTICE OF REMOVAL**

20 TO: LANCE WILSON, Clerk, United States District Court for the District of Nevada

21 PLEASE TAKE NOTICE that Defendant SPX COOLING TECHNOLOGIES, INC.
22 (hereinafter "SPX"), hereby removes the state court action entitled "In re-estate of EDGAR H.
23 MALLOY, EDGAR W. MALLOY, as Sole Administrator of EDGAR H. MALLOY Estate;
24 EDGAR W. MALLOY, as heir to the Estate of EDGAR H. MALLOY v. SPX COOLING

1 TECHNOLOGIES, INC., a business entity, ROE EMPLOYEE, ROE INDIVIDUALS I through
2 X, and DOE CORPORATIONS and other business entities I through X, inclusive, Case No. A-
3 10-609501C filed in Department No. XVII, in the Eighth Judicial District Court for the State of
4 Nevada, County of Clark to this Court. A copy of the Complaint and Affidavit of Service are
5 attached hereto as Exhibit A.

6 The grounds for removal are:

7 1. This Court has original subject matter jurisdiction over this action pursuant to 28
8 U.S.C. § 1332 and 28 U.S.C. §§ 1441(a)-(c), in that it is a civil action between citizens of
9 different states and the matter in controversy exceeds \$75,000.00, exclusive of interest and costs,
10 as set forth below.

11 2. Plaintiff Edgar H. Malloy was domiciled in Clark County, Nevada, prior to his
12 death on February 7, 2008. See Complaint ¶ V. Plaintiff Edgar W. Malloy is domiciled in
13 Dolores, Colorado. See Complaint ¶ VI.

14 3. Defendant SPX Corporation is a domestic corporation formed under the laws of
15 Delaware, with its principal place of business in North Carolina. See Complaint at ¶ IV.

16 4. The Defendants sued as DOES 1 through 10, inclusive; and ROE
17 CORPORATIONS 50 through 60, inclusive, are fictitious parties and are not relevant to the
18 determination of subject matter jurisdiction. See 28 U.S.C § 1441(a) ("For purposes of removal
19 under this chapter, the citizenship of defendants sued under fictitious names shall be
20 disregarded").

21 5. Based upon information and belief, the amount in controversy, exclusive of
22 interest and costs, exceeds \$75,000.00. In Plaintiffs' Complaint, Plaintiffs pray for general,
23 special, and punitive damages against SPX arising from the alleged wrongful death of Edgar H.
24 Malloy, including compensatory damages for pain and suffering, loss of enjoyment of life,

1 medical expenses, funeral expenses, miscellaneous expenses, incidental expenses, grief and
2 sorrow, loss of probable support, loss of companionship, and loss of society, comfort, services
3 and consortium. See Plaintiffs' Prayer for Relief, as contained in Complaint.

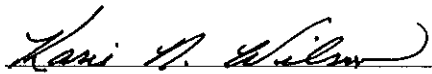
4 6. Venue is appropriate in this Court pursuant to 28 U.S.C. §§ 1441(a) and 1446(a)-
5 (b) and Local Rule 8-1. This action was originally brought in the Eighth Judicial District for the
6 State of Nevada, Clark County.

7 7. This notice of removal is timely filed within thirty (30) days after receipt of the
8 paper that makes this case removable as required by 28 U.S.C. § 1446(b), in that it is filed within
9 thirty (30) days of service of the Summons and Complaint on SPX's registered agent in
10 Delaware on June 1, 2010.

11 8. Pursuant to 28 U.S.C. 1446(d), SPX has prepared and will file with the Clerk of
12 the Eighth Judicial District Court a Notice of Removed Action.

13 Dated this ~~14th~~ day of June, 2010.

14 ALVERSON, TAYLOR
15 MORTENSEN & SANDERS

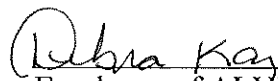
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CERTIFICATE OF MAILING

I hereby certify on this 14th day of June, 2010, I did deposit in the United States Post Office, with postage fully prepaid thereon, the above and forgoing **DEFENDANT SPX COOLING TECHNOLOGIES, INC.'S NOTICE OF REMOVAL** addressed to:

Lloyd W. Baker, Esq.
Robert W. Curtis, Esq.
BAKER LAW OFFICES
500 S. Eighth Street
Las Vegas, NV 89101
702-360-4949 Phone
702-360-3234 Fax
Attorney for Plaintiff


Employee of ALVERSON, TAYLOR
MORTENSEN & SANDERS

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